

Whitelaw, Inc.
1595 West Highway 56
HC 76 Box 265
Beryl, UT 84714

August 21, 2002

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WATER RIGHTS
SALT LAKE

John S. Larsen
Water Rights Specialist
P.O. Box 146300
Salt Lake City, UT 84114-6300

Dear Mr. Larsen:

I enjoyed talking with you at my farm last week. Harvest pressures kept me from sending you this information sooner.

Enclosed is the list of the water rights owned and leased by Whitelaw, Inc. In the leased section at the bottom of the first page, the four water right numbers followed by a "+" means there is more than one water right in the lease. The detail of the leased water is shown on the second page.

The list and maps of my holdings you published in February were pretty good, but as I mentioned to you, if you are going to publish big splotches of red on the maps, the information needs to be more than "pretty good". It needs to be accurate.

The published list of water rights omitted 71-59 (0.250 acres), 71-3253 (0.284 acres), and the leased water from Burton Arrington (who shares three water rights with his brother, John Arrington), 71-241 (0.600 acres), 71-242 (2.900 acres), and 71-243 (2.625 acres). The total omitted was 6.659 acres.

Notice that I purchased 0.25 acres February (71-4762), and I submitted the Application for Permanent Change in April. I am still waiting for the approval of this application.

Now for the maps. Again, they are pretty good, but the boundaries are fuzzy, and it doesn't take much fuzz at that scale to introduce significant error. It looks like you tried to sharpen the boundaries with relatively thick green (and RED) lines. But the lines don't always follow the fuzzy edges very well, especially on irregular fields like mine. Just the thickness of your boundary lines at that scale can contain significant acreage.

However, I realize you may be measuring the acreage inside the boundary line and not including it, because you show some of my boundary lines to the north side of Highway 56 and across property lines. You also show my 29-acre pivot actually moving through a line of very large power poles. Good trick!

The information on your published list of water rights does not match the information on your map. On the list, you show my total water right to be 481.64 acres. The next column shows a single total-line entry of 497.39. I assume that is an "irrigated acreage" total. (My copy of your list does not have column headings.) I have no idea where you got that number. The next column shows a single total-line entry of 15.75, which is the difference between the first two total-line entries. I assume that is the amount of my "over irrigation" according to your numbers.

But, your map shows my irrigated acreage to be 493 acres, and my "no water rights" acreage (the RED stuff) to be 20 acres. My own calculations of irrigated acreage by using actual pivot lengths, measurements of corners, measurements of irregular end-gun patterns, and by removing roadways, ditches, tree lines, fence lines, etc., yield a value of 488 acres. I am confident that this acreage is within plus or minus 1% of the actual amount. If we assume the actual is plus 1% (5 acres), we would have 493 acres, which matches the value on your map. As you can see from my list of water rights, I will need to file proof on many of the water rights within the next several years, and then we will have a very accurate surveyed total acreage.


In summary, I was somewhat surprised by really how accurate your maps seem to be. I assumed that they would be no better than plus or minus 5% at the resolution you were using. But they appear to be within plus or minus 1% to 2%, and I think that is very good. I support what you are trying to do to assure compliance with the Utah water laws, and I think this is a much better approach than using expensive water meters that seldom worked more than a year.

My only issue with you is that you understated my total water right and you overstated my irrigated acreage for an "overage" value of 15.75 acres (approximately 3%) on your list, and an "overage" value of 20 acres (approximately 4%) on your map. You may have mentioned that these were "preliminary" numbers in your February meeting with us (which I was unable to attend), but nothing to that effect was stated on your published documents and maps, and there was no published acknowledgment on your part that the maps did, in fact, contain an error factor of at least plus or minus 1% to 2%, and that they did not contain survey-grade information.

No one remembers any discussion on "preliminary" numbers. They just see a big red splotch on my farm and raise their eyebrows. My family and I find this particularly embarrassing, especially since I am a member of the water board. We would have appreciated an opportunity to respond to your conclusions before they were published, and I am sure that most everyone else with red areas would have appreciated the same consideration.

If you find any errors in my list, or if you have any questions, please call me.

Sincerely,



Chandler Whitelaw
President

(435) 586-0157 Home
(435) 559-7731 Cellular

cc. Lee H. Sim